

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANTHONY BELFIORE, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

THE PROCTER & GAMBLE COMPANY,

Defendant.

Case No. 14 Civ. 4090 (JBW) (RML)

**DECLARATION OF LESTER L. LEVY IN OPPOSITION TO
DEFENDANT'S MOTION TO DECERTIFY THE CLASSES**

I, Lester L. Levy, hereby declare as follows:

1. I am a member in good standing of the bars of the State of New York and of this Court. I am an attorney at Wolf Popper LLP, Court-appointed counsel for the New York Class. I make this declaration in support of Plaintiff's Opposition to Defendant's Motion to Decertify the Classes. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. In the period of late 2015 into May 2016, I engaged in settlement negotiations with the Defendant The Procter & Gamble Co. ("P&G"), along with the plaintiff's counsel in the California action—*Pettit v. The Procter & Gamble Co.*, 3:15-cv-02150-RS (N.D. Cal.) (the "Pettit Action")—under the auspices of Magistrate Judge Levy. On May 25, 2016, P&G abruptly and unilaterally terminated those negotiations.

3. I first learned the *Pettit* Action had settled on behalf of consumers in California and 48 other states (all besides New York) in June 2018. Prior to that time, counsel for the plaintiff in

this action, including myself, were unaware of the ongoing settlement negotiations in the *Pettit* Action following the termination of negotiations in May 2016.

4. On June 18, 2018, I received a telephone call from Robert A. Meyers of JAMS, who informed me that he was the California mediator in the *Pettit* Action. In conversations with Mr. Meyers, he made it clear to me that: (i) P&G reached the 49-state class settlement with the plaintiff's attorneys in *Pettit*; (ii) P&G would not modify the terms of the settlement in any respect; and (iii) the New York Class could accept the terms as is and be included in the settlement, or not accept the terms and P&G would proceed with the 49-state settlement.

5. Attached as Exhibit A is a true and correct copy of an excerpt from a Form 8-K P&G filed with the SEC on July 30, 2019, attaching as Exhibit 99.1 a News Release announcing P&G's Fourth Quarter and Fiscal Year 2019 financial results. It shows, *inter alia*, P&G's FY2019 net sales of \$67,700,000,000 and total assets of \$115,095,000,000.

6. Attached as Exhibit B is a true and correct copy of an excerpt from the Transcript of the Status Conference held before Judge Weinstein on June 18, 2019.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on July 31, 2019, in New York, New York.

/s/ Lester L. Levy
Lester L. Levy